

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ALLAN *et al.*

Appl. No.: 10/734,625

Filed: December 15, 2003

For: **Lipoxygenase Inhibitors as  
Hypolipidemic Agents**

Confirmation No.: 2541

Art Unit: 1612

Examiner: FAY, Zohreh A.

Atty. Docket: 1633.0400002/PAJ/LMB

**Third Supplemental Information Disclosure Statement  
Under 37 C.F.R. § 1.97(c)**

*Mail Stop Amendment*

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on the accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the patentability of this application as defined in 37 C.F.R. § 1.56, and in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.97 and 1.98. The numbering of this Third Supplemental Information Disclosure Statement is a continuation of the numbering of the Second Supplemental Information Disclosure Statement filed on April 2, 2009 in connection with the above-captioned application.

Copies of documents **FP7** to **FP13** and **NPL4** to **NPL8** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of the U.S. patents and published applications, documents **US2** to **US5**, cited on the attached IDS Form PTO/SB/08A are not submitted.

Further to 37 C.F.R. § 1.97(c), this Third Supplemental Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. A statement under 37 C.F.R. § 1.97(e)(1) is provided below.

Further to 37 C.F.R. § 1.97(e)(1), Applicants' undersigned representative hereby states that each item of information contained in this Third Supplemental Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Third Supplemental Information Disclosure Statement.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of relevance of the non-English language documents **FP7** to **FP13** cited on Form PTO/SB/08A and document **NPL4** cited on Form PTO/SB/08B:

Documents **FP7** to **FP13** were cited in a search report by a foreign patent office in Japanese Application No. 2004-563692 (submitted as document **NPL4**). Submission of an English language version of the search report, document **NPL5**, that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. *See* 1138 Official Gazette 37, 38.

Document **FP7**, WO 02/098893 A1, is in a foreign language. An English language abstract of document **FP7** can be found on the face page of the document, and a document that is an apparent English language equivalent of document **FP7** is provided as document **US4**.

Document **FP8**, WO 02/089791 A2, is in a foreign language. An English language abstract of document **FP8** can be found on the face page of the document, and a document that is an apparent English language equivalent of document **FP8** is provided as document **US5**.

Document **FP9**, JP 2976885 B2, is in a foreign language. An English language machine translation of document **FP9** is provided as document **NPL6**.

Document **FP10**, JP H05-058893 A, is in a foreign language. A document that is an apparent English language equivalent of document **FP10** is provided as document **US3**.

Document **FP11**, JP S61-065869 A, is in a foreign language. A document that is an apparent English language equivalent of document FP11 is provided as document **US2**.

Document **FP12**, JP 2783655 B, is in a foreign language. An English language machine translation of document FP12 is provided as document **NPL7**.

Document **FP13**, JP 2000-001487 A, is in a foreign language. An English language machine translation of document FP13 is provided as document **NPL8**.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

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